

1891-016 Chancery Causes. D. S. Reasor vs. E. S. Wax
Lee Co.

CA-Debt
T-Property

\$240. To
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for va
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note is g
hands an
Attest
James.

To The Honorable H. S. K. Morrison, Judge
of the Circuit Court of Lee County, Va.

Humbly complaining your orator
S. S. Reesor, would respectfully represent
unto your honor that on or about the
17th day of August, 1882 he sold a tract
or parcel of Land situate and being in
Lee County, Va., on the Waters of Bailey's
Trace to one F. B. Jesse for \$240;
That ^{said} Jesse with one C. A. Jesse ^{as his surety}, in pay-
ment of said land, made and executed to your
orator their joint and several note for \$240.⁰⁰,
due three years after its date, to wit: on
The 17th day of August, 1882. Said note
is here filed and marked "A".

Your orator would further show your
honor that at the time of said sale of said
land to said F. B. Jesse, he executed to
him his title bond for said land, in
which title bond your orator bound him-
self to make or cause to be made to
said Jesse or his assigns a deed to said
land whenever said purchase money
should be paid.

Your orator would also show your
honor that some time after his said
sale of said ^{land} to said Jesse, the said Jesse
exchanged the same with one Elias S. Hax
and assigned his said title bond over to
said Hax, and that said Hax in pur-
suance of said exchange entered upon
and took possession of the same and is
still possessing it.

1 Your Orator would further show your
2 honor that, sometime in the year 1887 and
3 after he had took possession of said land
4 in pursuance of said exchange of land with
5 said Jesse, he, the said Max, came to your
6 orator and assumed and agreed to pay
7 said sum of \$240 Together with such
8 interest as might have accrued upon
9 it from the 12 day of August, 1885, in
10 consideration of your orator making him
11 a deed to the same. Upon this applica-
12 tion & agreement of said Max, your orator
13 avers he did make and deliver to him
14 a deed to said land, properly signed &
15 acknowledged by your orator and ^{his} wife,
16 and in which deed your orator reserved
17 to himself his vendor's lien until said
18 sum of \$240 and its interest should be
19 paid. The said Max has not as yet had
20 said deed recorded, so your orator is
21 unable to file a copy of the same here-
22 in as an exhibit.

23 Your Orator would further repre-
24 sent unto your honor ^{and avers} that said
25 Max nor any one else has paid him
26 said sum of money or any part there-
27 of, but that said sum is still due
28 and unpaid.

29 The premises considered, and your
30 orator's ~~being~~ only remedy being in a
31 court of Chancery the object of this
32 bill is to have his vendor's lien en-
33 forced and the land aforesaid ex-

posed for sale for the satisfaction of
his said debt. And to that end, he
humbly prays that Elias S. Hax be
made a party defendant to this bill
of Complaint; that ^{he} be required to an-
swer its several allegations upon his
oath as particularly as if specially
interrogated thereto; and that at the
hearing of this cause a decree be pro-
nounced therein giving your orator judg-
ment for said sum of \$240 with legal
interest thereon from the 12th day of Aug.
& costs of this suit- 1855 till paid, and that the said land be
sold if said sum interest and costs of
this suit be not paid within a reasonable
time thereafter. And your orator also
prays for such other, further and gen-
eral relief as may be adapted to the
nature of his cause and agreeable to eq-
uity and good conscience. May pro-
cess issue &c. And your orator will
ever pray &c

E. H. Remington
C. J.

Q 7.80
\$ 50
Estimate 15.00
3.00

Comm. 14.41

\$ 40.71

vs. In Chancery

E. S. Young

1888 1st Apr. Rules Bldg
filed Spu End to D. W.

" 2d Apr. Rules D. Chancery
Bldg. & Court

1889 Sept. Deere & Court

" Dec. Continued

1890 April & Sept. End

" Dec. Deere filed

1891 March re-opening

Deere & again

Trickery from D. W.

D.S. Reason complt.

or

E.S. May deft.

} Dr Chaney

On motion of the
def't. in this cause, it
is ordered that he be per-
mitted to withdraw from
the files of this cause ex-
hibit-A, or the note
signed by A. B. & C. A. J. J. J.
but before doing so the
clerk of this court will
make a certified copy
of the same and file in
the cause

D. I. Reason

no { order

E. S. May

Entered in Chcy C.B.
P. 328. April 2 1891.
J. A. G. Hyatt

Enter this
April 2 1891
H. S. K. M.

1 D. S. Reason complete

2 vs.

3 E. S. May debt

In Chancery

4 This cause came on again
5 this day to be heard upon the papers formerly
6 by read therein and the report of Court
7 Prumington and his deed to said May.
8 and there being no exceptions to said
9 report and deed, it is adjudged, ordered
10 and decreed that said report and deed
11 be and is hereby confirmed. And the
12 clerk of this court will deliver said
13 deed to said May. And this cause
14 is stricken from the docket.

vs. { Orem final

E.S. Hay

Entered Chauncy
O.B. Page 298,

Decr 2, 1890.

L.A.B. Hyatt C.

enter this
Dec - 2 1890

W.S. Hyatt

D. S. Reason Compt.

or

E. S. H. Deft.

} In Chancery.

This cause came on again this day to be heard upon the papers formerly read in the cause, and the report of Comr. Remington of the sale of the lands in the bill and proceedings mentioned, and it appearing that said report was duly filed for a period of more than ten days before the sitting of this Court and is unexcepted to, and was argued by counsel. On consideration whereof it is adjudged, ordered and decreed that said report and sale be confirmed. And this cause is continued.

W. S. Reason,

vz. } Decur no. 2

E. S. Max

Build Page 19172
C. O. B no 3
Jalsotjatt. C.

Enter
H. K. M.

April 2nd 1889

1 D. S. W. Pennington Care -

2 Dear Sir:

3 You hold some
4 notes on W. H. Max and others given
5 you for the purchase of a piece
6 of land for the payment of debt
7 to D. S. Reason from me, and the
8 said Reason debt being now
9 fully paid, and the balance
10 of the money due thereon would be
11 coming to me - and as said W. H.
12 Max purchased said land in for
13 me, I hereby request you to
14 surrender said notes to him,
15 and you are hereby released
16 from any obligation in the
17 collection of the same. This
18 Sept. 5th 1870

19 E. S. Max
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W. L. Pearson

Order

E. L. Hunt

1 D. S. Reesor Compl't.

2 or

3 E. S. Hart

Deft.

} In Chancery.

4 This cause came on this day
5 to be heard upon the bill of said Compl't.
6 and exhibits filed therewith and was argued
7 by counsel. On consideration of all of
8 which and it appearing to the court
9 That process had been duly served upon
10 said Deft. for ~~more~~ a period of more
11 than 15 days before the sitting of this
12 court, and said Deft. failing to appear
13 and plead in said cause, said bill is
14 taken for confessed against him.
15 It is therefore adjudged, ordered and de-
16 creed that the said plaintiff recover from
17 said Deft. the sum of two hundred and
18 forty dollars with legal interest thereon
19 from the 12th day of August, 1885 till paid,
20 and the costs of this suit, and for the
21 collection of which or any part there-
22 of execution may issue. It is further
23 ordered, adjudged and decreed that if
24 said Deft. or some one for him does
25 not pay said sum, its interest and the
26 costs of this suit within 30 days after
27 the rising of this court, then E. H. Ben-
28 nington who is hereby appointed a
29 special commr. for the purpose, on
30 some court day at the front door of the
31 court house of Du County, at public
32 outcry and to the highest bidder, will
33 proceed to sell said land in the bill

and proceedings mentioned on a credit of
six, twelve, and eighteen months,
except a sum sufficient to pay the
costs of suit and commissions of sale
he will require to be paid down, and
the moneys he will take notes payable
to himself or such commissioners with
approved personal security. But before
proceeding to make said sale, said
Comm. will post or cause to be posted
written or printed notices, setting forth
the time, terms and place of said sale,
at the front door of the Court-house, in
the neighborhood of said land and at such
other places as said Comm. may think
proper, at least thirty days before the
day of sale. And before proceeding to
execute the terms of this decree said
Pennington shall execute before the
clerk of this Court bond in the penalty
of \$400⁰⁰ conditioned to faithfully dis-
charge the duties of Comm. in this
cause. And this cause is contin-
ued.

D. S. Pennington

W. } ~~in chancery~~
Decree
no. 1.

T. S. Hart

Entered Dec. 6 1888

Chas. D. B. 174

J. J. Bryant & Co.

Enter this decree

Dec 6 1888.

H. A. H. M.

D. S. Reason

vs.

E. S. Hay

} In Chancery.

To the Hon. H. S. H. Morrison, Judge of the
Circuit Court of Lin Co., Va.

The undersigned having been, by de-
cree entered in said cause on the 6th day of Dec., 1888,
appointed a special Court, to sell the lands of
the said debt mentioned in the bill and pro-
ceedings of said cause or so much thereof
as was necessary to pay the amount of the judg-
ment and costs &c in said cause, begs
leave to report that in pursuance to and
in obedience with said decretal order, he
fully and fairly advertised the time, terms
and place of sale for the time and at
the places as mentioned in said decree,
and in pursuance with said decree and after
the said land had been duly advertised as
aforesaid, on the 5th day of Feb., 1889 that
being court day, he offered the same
for sale at the front door of the Court-
house of Lin County, in the manner
and on the terms as provided in said de-
cree. There was a very large crowd in at-
tendance while this sale was being made.

H. H. Hay became the last, highest and
best bidder for the whole of said tract of
land at the price of \$435⁰⁰ and thereupon
the same was knocked off to him. Said Hay
as was required by said decree paid your
court, \$61⁰⁰ which overpaid said costs
& commissions of sale \$17⁰⁰. The costs your
court, immediately paid out to those to whom
it was due, and the \$17⁰⁰ he remitted

to T. S. Pearson as a Credit on his judgment
against the said E. S. Wax. Said Wax ex-
ecuted to your Court. three notes with J.
P. Graham, H. B. Myers, George Criden and T. J.
Ely as sureties for \$129.33 each and
due in 6, 12 & 18 months from the date
of sale, and bearing legal interest from
that date.

Your Court. is of the opinion
that this tract of land sold well and
is informed that H. H. Wax bought the
same for his brother E. S. Wax the debt
in this cause. Hence this sale is re-
commended to be confirmed. All of which
is respectfully submitted.

E. H. Pennington
Commissioner

T. S. Pearson

Court Report
of
Sale of Land

E. S. Wax.

Filed Feb 21st 1884

J. P. Graham

1 D. J. Benson

2 or

3 E. S. May

} In Chancery.

4 To the Hon. H. S. Morrison Judge of
5 Circuit Court for Lin Co.,

6 Your undersigned couns. in the
7 above styled cause begs leave to report
8 that he has made a deed to E. S. May
9 assignee of Wm H. May the purchaser of
10 the land in the bill & proceedings mentioned
11 And thereupon recommended a confirma-
12 tion of the same. All of which is respect-
13 fully submitted.

14 C. W. Pennington couns.

D. S. Reason

vs } Report of
} Dec 25

E. S. May

Filed Nov. 15th 1890,
J. A. S. Hyatt ©

To the Hon. H. S. K. Morrison, Judge of the
Circuit Court for Lu County:

I hereby certify that - The
land purchased in the chancery cause of
D. S. Pearson vs. E. S. Hay by me and report-
ed as purchased by me by Court - Pres-
mington, was purchased for the said
E. S. Hay, and that I now have no
interest in the same, and desire
that a deed be made to said E. S.
Hay, if any is necessary to be made.
Given under my hand this Sept-5th 1890

W. H. Hay

D. S. Pearson

us } Release

E. S. Hay

Calculations

for

D. S. Pearson vs. Hay

Am't of note due Aug 12/85

240 00

Int thereon to Sept 2nd/89.

57 60

Car by check \$17 Feb 5/89 \$50 Sept 2/89

297 60

Int on \$230.60 from Sept 2/89 to Oct 8/89

239 60

Car by check Oct 8/89 - Paid Th. H. J. R.

231 85

Int on \$171.85 from Oct 8/89 to Mar 4/90

171 85

Car by check Mar 4/90

176 15

Bal. due March 4/90

\$76 15

Int on same to Sept 2/90

2 53

Car by M. C. Parsons

78 65

Car by E. S. Hay

44 00

34 68

34 70

189
Sept 2

Calculations

Know all men by these presents
that we E. W. Pennington &
are held and firmly bound
unto the Commonwealth of Virginia in
the just and full sum of Four Hundred
Dollars, and for the prompt payment
thereof unto the said Commonwealth, we
each bind ourselves heirs &c, and
we as to this bond waive our homestead
& all other exemptions, witness our hands
and seals this 20th December 1888.

The Condition of the above obligations is such that whereas the above bound E. W. Pennington, was, by a decree entered on the 6th day of December 1888, in the Chancery Cause of D. S. Reasen vs E. S. Wax, appointed a Special Commissioner, and therein directed to sell certain lands mentioned in said Bill, Now therefore should the said Pennington faithfully perform the duties assigned him, and properly account for all sums of money he may receive as such Commissioner, then this obligation to be void otherwise to remain in full force & virtue.

L. S. Reaser

Court

Bond

vs

G. B. Wax

Filed Dec 20 1888

J. A. Hyatt, cl.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

E. S. Wax

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *November* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *him* by

D. S. Reason

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *10th* day of *October* 1888, in the 11th year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

E. H. D.

D. S. Reaser

vs $\frac{3}{2}$ Spain chey

E. S. Max

To 1st Nov. Rules 1888

Executed by
delivering and
office copy of this
summon to

E. S. Wot nar
the 3rd 1888

H. D. Blomery & Co